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JUN 01 2007
Attorney Docket: 112.P55022

REMARKS

Claims 1 and 3-31 are pending in the above-referenced patent application. In this response, claims 1, 9-10, 12 and 17 have been amended to clarify intended subject matter and/or to correct inadvertent typographical errors, and claims 25-31 have been added. It is respectfully submitted that adequate support for the amendments to claims 1, 9-10, 12 and 17 as well as new claims 25-31 may be found at least in the specification, figures, and claims as filed. Furthermore, the amendments to the claims and the new claims introduce no new matter. It is respectfully requested that the Examiner enter the amendments to claims 1, 9-10, 12 and 17, enter new claims 25-31, and allow all pending claims to proceed to allowance. Furthermore, reconsideration in light of the foregoing amendments and following remarks is respectfully requested.

Claim Rejections – 35 USC 103(a)

In the Office Action, dated March 1, 2007, the Examiner rejected claims 1, 3-4, 9-14, 17 and 19-23 under 35 USC 103(a) as being unpatentable over Cantwell (US Pat. No. 6,594,690, hereinafter "Cantwell") in view of Kumpf (US Pat. No. 6,289,371, hereinafter "Kumpf"); rejected claims 5-8, 15-16 and 18 under 35 USC 103(a) as being unpatentable over Cantwell in view of Kumpf and further in view of House et al. (US Pat. No. 6,785,805, hereinafter, "House"); and rejected 24 under 35 USC 103(a) as being unpatentable over Cantwell in view of Kumpf and further in view of Schnieder et al. (US Pat. No. 5,587,533, hereinafter, "Schnieder"). These rejections are respectfully traversed. Reconsideration in light of the foregoing remarks is respectfully requested.

It is noted that as required by 35 USC 103(a), in order to establish a *prima facie* case of obviousness, all the claim limitations of the rejected claims must be taught or suggested by the prior art. It is respectfully submitted that the cited references do not meet these criteria. For

example, the cited art, alone or in combination, still does not teach or suggest all the claim limitations.

Beginning with claim 1, it is respectfully submitted that Cantwell in view of Kumpf does not show or describe at least "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1, as amended.

Although Cantwell describes selecting and downloading a device driver from a website, Cantwell does not teach or suggest at least "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1. Furthermore, although Assignee does not necessarily agree with the Examiner's characterization of Cantwell, the Examiner concedes that Cantwell is lacking at least this limitation of claim 1. According to the Examiner, on page 3 of the Office Action, "Cantwell does not disclose expressly a destination selection system to enable said user to select a location from said browser for saving said scanning data". Accordingly, Cantwell does not teach or suggest all the limitations of claim 1.

Furthermore, Kumpf does not cure at least this deficiency of Cantwell, and, accordingly, even if Cantwell were successfully combined with Kumpf, although Assignee does not concede that a combination would be possible, any resultant combination would still not include at least the limitations noted above.

Although Kumpf describes a web interface to allow a user to interact with a server to preview and initiate a scan job, Kumpf does not teach or suggest "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1. According to the Examiner, on page 3 of the Office Action, "Kumpf discloses

a destination selection system to enable said user to select a location from said browser for saving said scanning data (Col 6 Lines 17-41)." However, it is respectfully submitted that Kumpf does not teach or suggest at least the claim limitations noted above and, in fact, Kumpf teaches away from Applicants' claimed invention. More specifically, in Kumpf, downloaded scanning data is saved on the user's hard drive, and the only selection that may be made is a location on the user's hard drive. Thus, Kumpf does not allow a "user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station." For example, quoting from col 6:24 – col 6:38 of Kumpf (emphasis supplied):

Since the applet in the client does not communicate directly with the scanner and the PC's hard drive, the applet invokes the web browser to download the scanned image (block 60) ***to achieve image storage on the client's hard drive***. To download the scanned image, the JAVA.RTM. Scan Applet causes the browser to open a connection on a scan port and issue an HTTP request to start a scan. The web scan program in the server 10 serves the image up in a format the browser recognizes, such as TIFF. ***The browser will treat this like any file download and prompt a user to save the server formatted, e.g., TIFF, file to disk, or display it, for example, using an image processing application. Once a user selects a hard drive destination, the scan program in the server 10 streams scanned image data to the browser which then directs it to disk.***

Accordingly, Kumpf does not teach or suggest "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1, and, as a result, fails to cure the deficiency noted in Cantwell. For example, in Kumpf, downloaded scanning data is saved on a user's hard drive, and not on a location "being selected from locations including locations other than said station", as recited in claim 1.

Therefore, any combination of Cantwell in view of Kumpf would still fail to teach or suggest at least the claim limitations of claim 1. Accordingly, it is respectfully submitted that

the Examiner has failed to meet the requirements for a *prima facie* showing of obviousness, and claim 1 is a condition for allowance. Additionally, claims 3-4, 9-14, 17, and 19-23 either depend from and/or include similar limitations as those of claim 1, and are therefore not rendered obvious for at least the same reasons. For example, claims 3-4, 9-11 and 21 depend from and include all limitations of claim 1, and claims 12-14, 17 and 19-20 and 22-23 include similar limitations as those of claim 1, and are in a condition for allowance on at least the same basis. Accordingly, it is respectfully requested that the Examiner withdraw the rejections of claims 1, 3-4, 9-14, 17, and 19-23 and allow all pending claims to proceed to allowance.

A similar conclusion applies with respect to the Examiner's rejection of claims 5-8, 15-16 and 18, which the Examiner has rejected under 35 USC 103(a) as being unpatentable over Cantwell in view of Kumpf and further in view of House. It is respectfully submitted that House does not provide the missing aspects of claim 1 discussed above. Likewise, claims 5-8, 15-16 and 18 either depend from and/or include limitations similar to claim 1.

House describes a network based system for configuring and/or selling test, measurement and automation systems. However, House does not teach or suggest "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1. Accordingly, any resultant combination, assuming such a combination could be successfully made, would still not teach or suggest all the elements and limitations of claim 1, and, as a result, claims 5-8, 15-16 and 18, which either depend from and/or include limitations similar to claim 1.

Therefore, the Examiner has failed to make a successful *prima facie* showing of obviousness with respect to claims 5-8, 15-16 and 18. It is respectfully requested that the

Examiner withdraw the rejections of claims 5-8, 15-16 and 18 and allow these pending claims to proceed to allowance.

A similar conclusion applies with respect to the Examiner's rejection of claim 24, which the Examiner has rejected under 35 USC 103(a) as being unpatentable over Cantwell in view of Kumpf and further in view of Schneider. It is respectfully submitted that House does not provide the missing aspects of claim 1 discussed above. Likewise, claim 24 depends from claim 1.

Schneider describes mapping a surface by employing an ultrasonic scan. However, Schneider does not teach or suggest "a destination selection system to enable said user to select a location from said browser for saving said scanning data, said location being selected from locations including locations other than said station" as recited in claim 1. Accordingly, any resultant combination, assuming such a combination could be successfully made, would still not teach or suggest all the elements and limitations of claim 1, and, as a result, claim 24, which depends from claim 1.

Therefore, the Examiner has failed to make a successful *prima facie* showing of obviousness with respect to claim 24. It is respectfully requested that the Examiner withdraw the rejection of claim 24 and allow this claim to proceed to allowance.

As above, it is noted that many other bases for traversing the rejections could be provided, but Assignee believes that the grounds presented above are sufficient. Assignee respectfully submits that because a *prima facie* case under 35 U.S.C. 103 has not been established, these pending claims are in condition for allowance. It is, therefore, respectfully requested that the Examiner withdraw the rejection of these claims, and allow these claims to proceed to allowance. Additionally, it is noted that the Assignee's failure to comment directly

upon any position(s) asserted by the Examiner in the office action does not indicate agreement or acquiescence with that (those) position(s). For example, Assignee does not agree or acquiesce to Examiner's position as to whether there is any suggestion to combine the cited documents or whether there would be any reasonable expectation of success from making such a combination. Rather, the foregoing is believed sufficient and, therefore, any such position(s) are believed to be rendered moot as a result.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

Dated: 6/1/2007

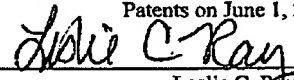
/Michael J. Willardson/

Michael J. Willardson
Patent Attorney
Reg. No. 50,856

Berkeley Law and Technology Group, LLP
17933 NW Evergreen Parkway, Suite 250
Beaverton, OR 97006
Customer No. 43831

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being
deposited via facsimile with the Commissioner for
Patents on June 1, 2007.



Leslie C. Ray